

REMARKS

Claims 1-31 are pending in this application. Claims 1, 2, 5, 24, and 26-28 stand rejected and claims 3, 4, 6, and 25 are objected to. Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 2, 4, 6, and 25 and that claims 7-15, 16-23, and 29-31 are allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph. By this Amendment, claims 7, 16, and 26 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicant requests the Examiner acknowledge the claim for priority. Applicant previously submitted the priority document on April 7, 2000.

Claims 7-15, 16-23, and 26-31 stand rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended claims 7, 16, and 26 in accordance with the Examiner's rejection. Thus, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Paragraph 2 of the Office Action rejects claims 1, 2, 5, and 24 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art ("AAPA") in view of U.S. Patent No. 6,510,159 ("Noriyuki"). Applicant respectfully requests withdrawal of this rejection.

35 U.S.C. § 103(c) provides that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. § 102(e), (f), and (g) is not to be considered when determining whether an invention sought to be patented is obvious under Section 103, provided that subject matter and the claimed invention were commonly owned at the time the invention was made or subject to an obligation of assignment to the same person.

Both the present application and Noriyuki, Application Serial No. 09/062,238, have been assigned to NEC Corporation ("NEC"). The subject matter of the presently claimed invention and that of Noriyuki were owned by NEC and subject to an obligation of assignment to NEC at the time the present invention was made. Accordingly, it is respectfully requested that this rejection be withdrawn.

Paragraph 3 of the Office Action rejects claims 26, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Noriyuki in view of U.S. Patent No. 5,222,136 ("Rasmussen"). As discussed above, Noriyuki is not a proper reference under 35 U.S.C. § 103(c). As such, it is respectfully requested that this rejection be withdrawn.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the

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Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor  
New York, New York 10036-2714  
(212) 835-1400  
Attorney for Applicant

IRB/mgs